

Serial No. 10/605,314
Filed: 09/22/03
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Examiner: Carlos Lugo
Group Art Unit: 3676

Amendments to the Drawings

Please amend the drawings as follows:

Kindly amend Figure 4 to show the phantom lines for flange 180 and to move the number 234 and the lead line thereto as shown in the enclosed annotated sheet containing Figure 4. A replacement page for the drawing sheet containing FIG. 4 is enclosed herewith for entry by the Examiner.

Please add new FIGS. 12 and 12A enclosed.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

New FIGS. 12 and 12A

Annotated copies of sheet 1 of the drawings of Galbreath U.S. Patent No.

3,883,164, sheet 3 of the drawings of Smith U.S. Patent No. 3,514,142, and

FIG. 4 of the drawings of the present application

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REMARKS

By the present amendment, the specification has been amended to make reference to the new FIGS. 12 and 12A which are enclosed herewith. It has also been amended to correct some clerical errors in paragraphs 28 and 34. New FIGS. 12 and 12A have been added as requested by the Examiner. These drawings were made based on the drawings and on the disclosure of the specification as filed. These drawings essentially were incorporated on page 10 of Applicants' Amendment and Response to Office Action filed January 6, 2005.

The courtesy of the telephone interviews granted to Applicants' attorney by Examiner Lugo, the Examiner in charge of this application on May 18 and 19, 2005, is acknowledged with thanks and appreciation. During the course of the interview, Examiner Lugo requested Applicants to file the new drawings 12 and 12A and further agreed that the final rejection would be withdrawn in view of the arguments which were made during the course of the interview on May 19, 2005. A summary of both interviews follows.

Prior to the interview on May 18, 2005, Applicants' attorney sent to Examiner Lugo annotated copies of sheet 1 of the drawings of the Galbreath U.S. Patent No. 3,883,164, sheet 3 of the drawings of the Smith U.S. Patent No. 3,514,142 and FIG. 4 of the drawings of the present application. Copies of these three documents are attached hereto.

During the course of the interview, these drawings were discussed. The point of the drawings is to illustrate that Applicants closed keeper rotates clockwise about the pin 212 from a latched position to an unlatched position for release of the handle 228. In the event that the keeper is stuck in the unlatched position, the bottom edge of the locking flange 180 of handle 228 will strike the second rotation stop 216 as illustrated in new FIGS. 12 and 12A to force the closed keeper from the unlatched position to the latched position.

This operation was contrasted with the closed keepers in the Galbreath '164 and the Smith '142 patents. Both of the closed keepers in these patents rotate counterclockwise from the latched to the unlatched positions and will remain in that position when the handle closes in the event that the closed keeper is stuck in the unlatched position illustrated, for example, in FIG. 11 of the Smith '142 patent.

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The operable language in claim 1 which distinguishes Applicants' invention of claim 1 over the references is the closed keeper has an unlatched position wherein the handle locking flange is released by the closed keeper handle catch portion and further that the closed keeper has a surface that is adapted to contact a portion of the handle when the closed keeper is in the unlatched position and the handle is moved from the open position to the closed position to move the closed keeper into latched position. This feature is not possible with the Smith '142 and Galbreath '164 patents.

During the course of the interview on May 18, 2005, Examiner Lugo raised a question as to the relationship between the handle 228 and the bent flange 180. The Examiner raised a question as to whether the bottom of the handle 228 would rest on surface 248 of the bent flange 180. At the time of the interview on May 18, 2005, Applicants' attorney agreed to review the specification and drawing to answer this question.

During the course of the telephone interview on May 19, 2005, Applicants' attorney explained to Examiner Lugo, especially with reference to FIGS. 9 and 10 of the Applicants' drawings, that the handle plate 228 was positioned distal from the mounting plate 162 and outside of the bent flange 180. The locking flange 198 of the handle 168 is sandwiched between the bent flange 180 and the locking flange 208 of the closed keeper when the handle is in the closed position so that a padlock can be placed through the openings in each of these three elements. The Examiner understood this explanation and agreed that the drawings showed this feature.

Further, during the course of the May 19 interview, Examiner Lugo requested Applicants to submit new FIGS. 12 and 12A which had previously been incorporated into Applicants' Amendment and Response to Office Action filed on January 6, 2005.

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In view of the foregoing remarks and amendments, it is submitted that all of the claims are in condition for allowance. Withdrawal of the final rejection and early notification of allowability of the claims is respectfully requested.

Respectfully submitted,

Andrew Huffman and Wesley K. Eklund

Dated: 6-01-05

By: 

John E. McGarry, Reg. No. 22,360

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CALBERTH

PATENTED MAY 13 1975

SHEET 1 OF 3

3,883,164

CLOSED
KEEPER IS IN LATCHED
POSITION
HANDLE STRIKES
SURFACE 66
UPON CLOSING

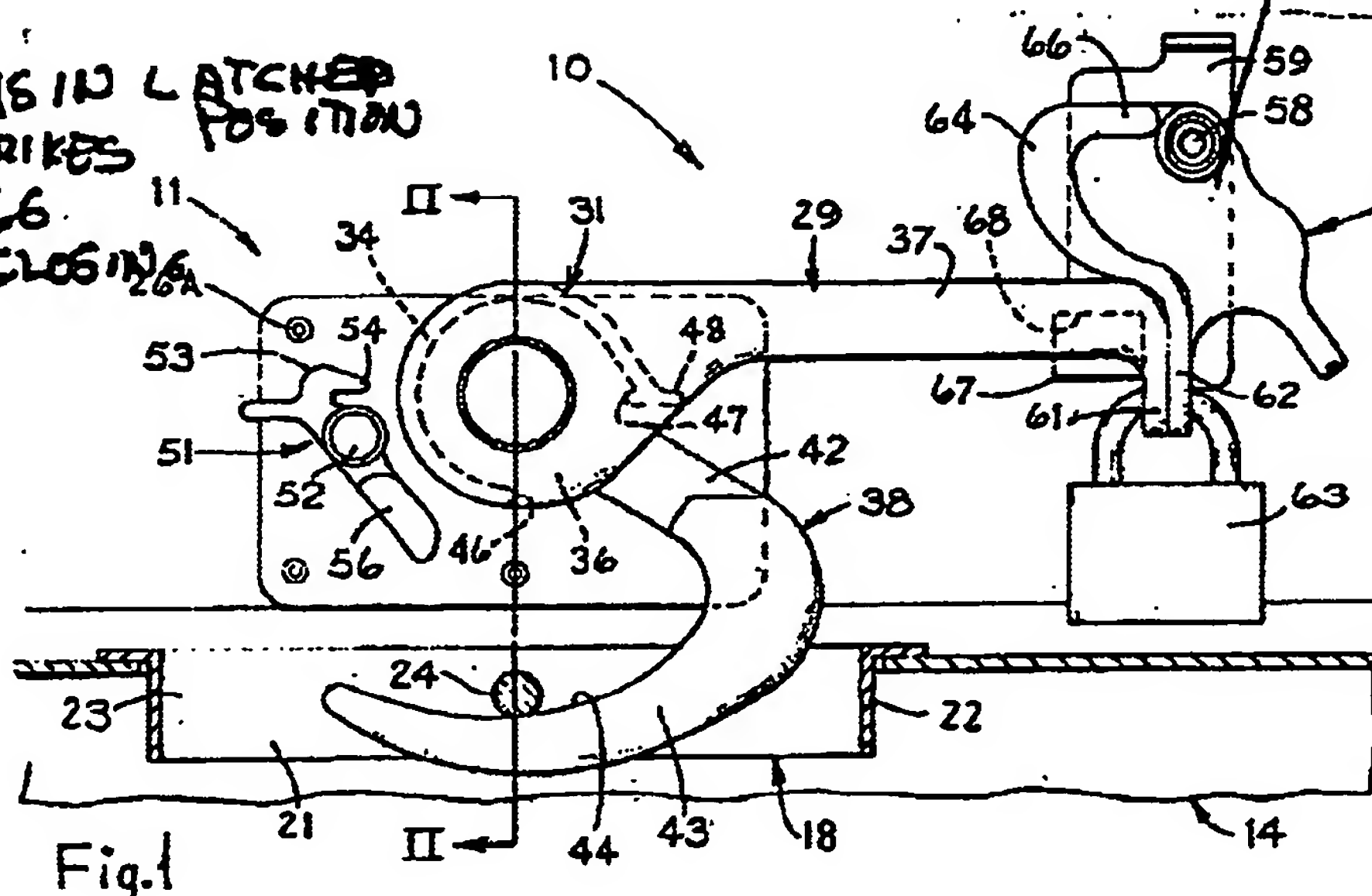


Fig. 1

CLOSED KEEPER
ROTATES CCW
TO UNLATCHED
POSITION

HANDLE DOES
NOT STRIKE
SURFACE 66 WHEN
CLOSED KEEPER
IS IN
UNLATCHED
POSITION

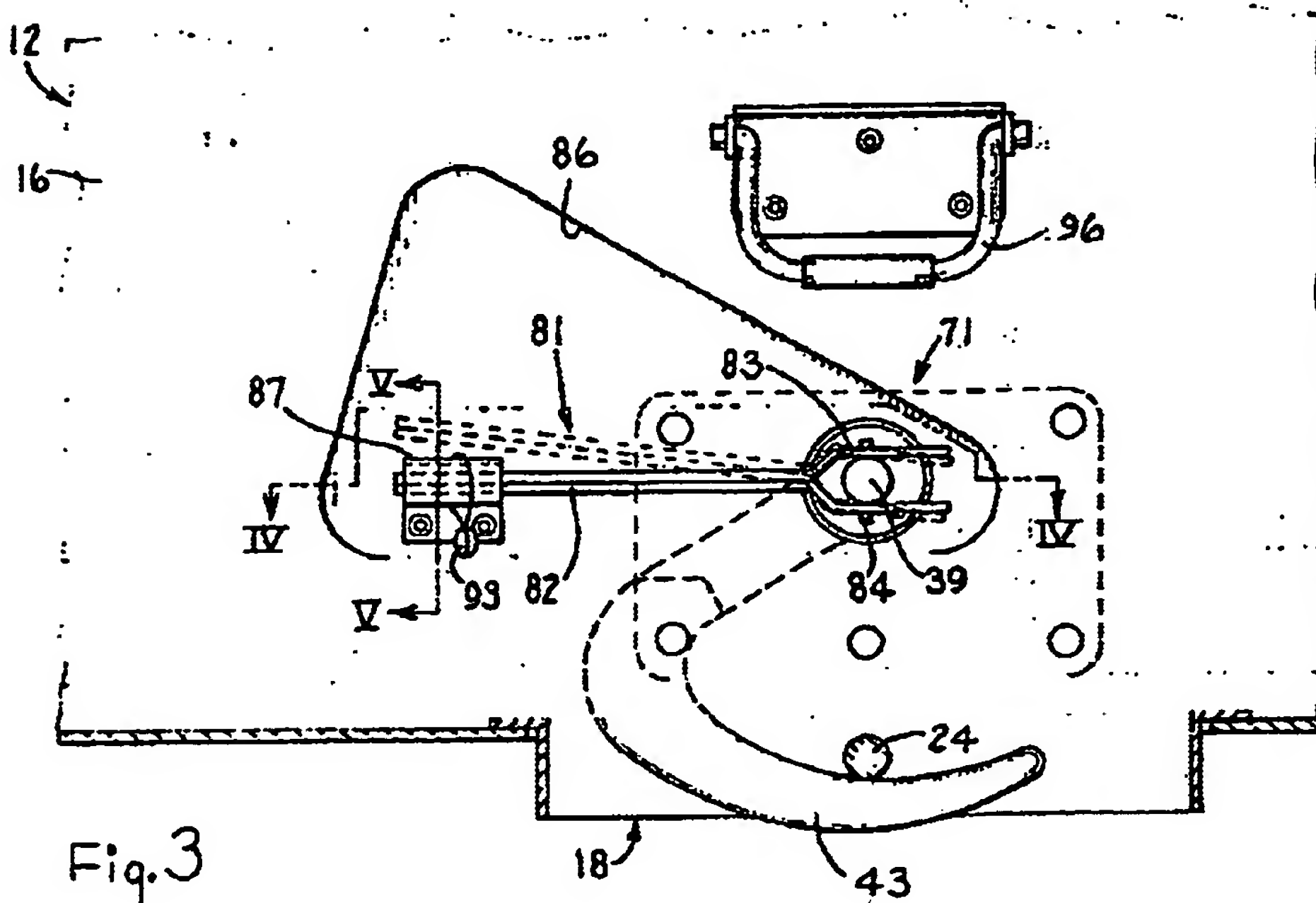


Fig. 3

May 26, 1970

V. O. SMITH

3,514,142

TRUCK DOOR LOCK

Filed Sept. 21, 1967

3 Sheets-Sheet 3

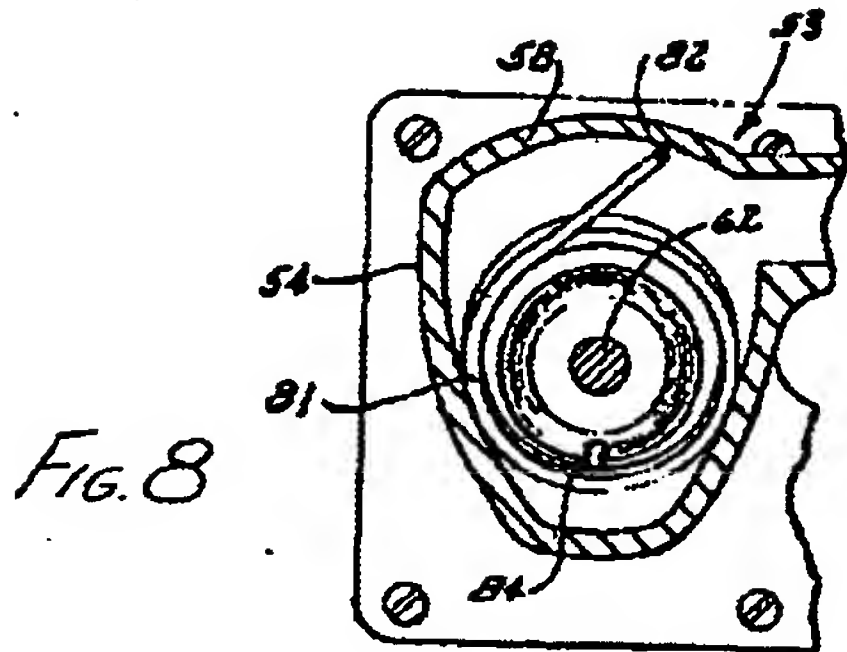


FIG. 8

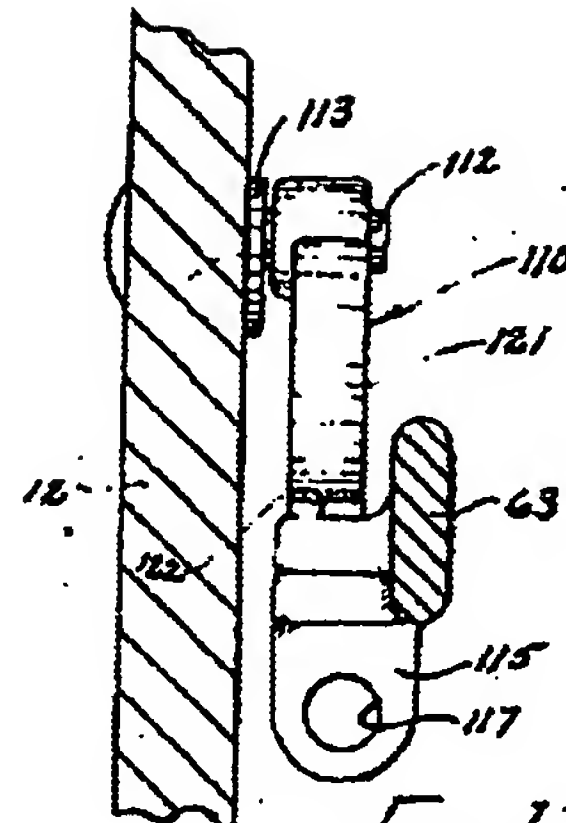


FIG. 12

CLOSED
KEEPER IN
~~CLOSED~~ POSITION
LATCHED

(HANDLE STRIKES SURFACE 124)

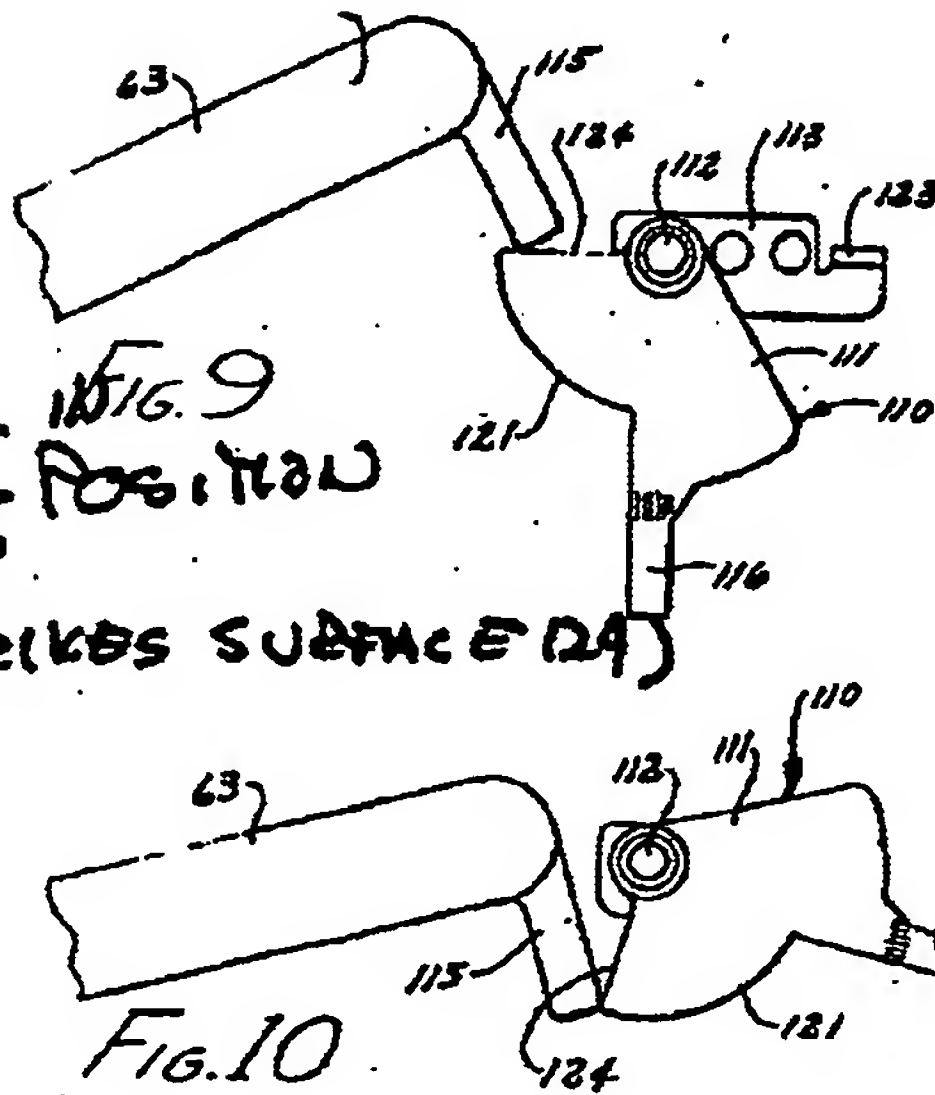


FIG. 9

CLOSED KEEPER
ROTATES CCW
TO UNLATCHED
POSITION

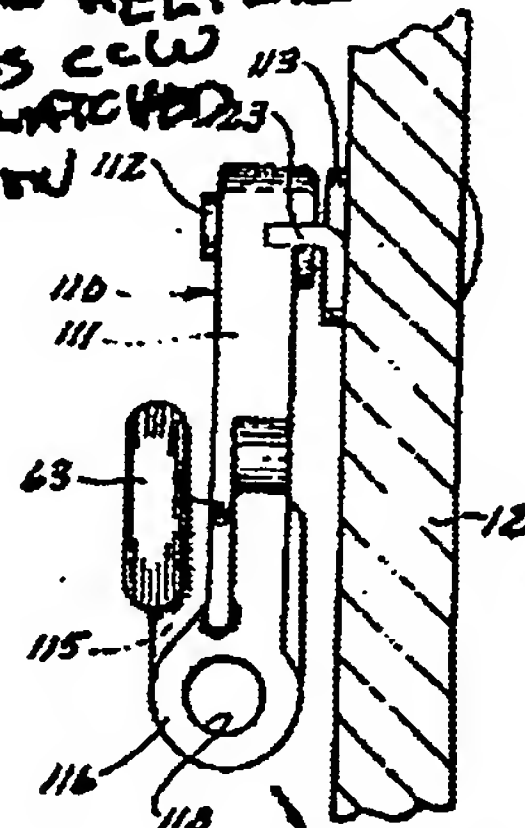


FIG. 13

CLOSED KEEPER IN
UNLATCHED POSITION 63
(HANDLE DOES
NOT STRIKE
SURFACE 124)

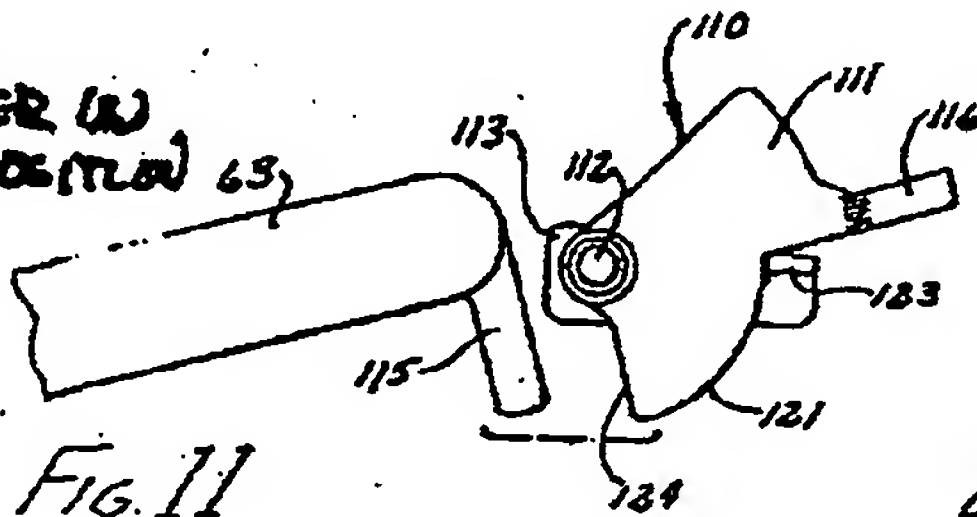


FIG. 11

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